

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 16-cv-3311-ELH
)	
LAWRENCE HOGAN, et al.,)	
)	
Defendants.)	

**Plaintiff Atlantic Guns’ Unopposed Motion to File Under Seal
Declaration of Stephen Schneider and its Exhibits A and B**

Pursuant to Local Rule 105.11, Plaintiff Atlantic Guns, Inc. (“Atlantic Guns”), by and through undersigned counsel, moves to file under seal the accompanying Declaration of Stephen Schneider and its Exhibits A and B attached thereto. Counsel for Defendants have authorized us to represent that Defendants do not oppose this motion. In support of this motion, Plaintiff states as follows:

1. Defendants in their Memorandum in Support of Motion for Summary Judgment have challenged the standing of Plaintiff Atlantic Guns, incorrectly stating: “Nor has Atlantic Guns produced any evidence linking the implementation of the Handgun Qualification License (“HQL”) requirement to a decline in sales of handguns.” Dkt. 59-1, at p. 15. Atlantic Guns cannot refute this defense without presenting the Court in its Opposition to Defendants’ Motion for Summary Judgment Atlantic Guns’ sales and gross revenue data before and after the HQL took effect. That evidence will demonstrate Atlantic Guns has suffered a significant loss of sales of handguns and sales revenues from the sale of handguns in comparing the average annual data for the four years prior to the HQL taking effect to the four years following that effective date, raising the strong presumption that the HQL was a cause if not the cause of that loss.

2. Mr. Schneider is the owner and president of Atlantic Guns, a family-owned federal and Maryland licensed firearms dealer that operates two stores in Montgomery County, Maryland.

His declaration sets forth and attaches supporting documents containing confidential sales and sales revenue data for its Maryland handgun sales for the years 2009 through 2017, broken down by store and year.

3. The two exhibits are a statistical spreadsheet prepared and produced by Defendants from the confidential sales data Atlantic Guns is required by law to provide to Maryland State Police and a financial spreadsheet prepared by Atlantic Guns from its confidential sales and business records and produced as “Confidential” pursuant to the Stipulated Confidentially Order entered in this case on January 4, 2018. Dkt. 41. Defendants did not object to Atlantic Guns’ designation of this information as “Confidential” when produced or subsequently.

4. Such detailed product sales and sales revenue information in the mature and highly competitive firearms retail market in Maryland is both confidential and highly sensitive. Its public disclosure could expose Atlantic Guns to competitive disadvantage should its competitors obtain this information.

5. Such recent business sales and sale revenues data is confidential statistical data and reflects the amount and source of income. This is confidential business information routinely protected from public disclosure. *See, e.g.*, 18 U.S.C. § 1905.

6. There is no viable alternative to filing under seal to preserve the confidentiality of the information in Mr. Schneider’s Declaration and its Exhibits A and B necessary to support that information.

7. Atlantic Guns should not be forced to choose either to forego its lawsuit challenging the constitutionality of a law that has severely injured its business and its customers or to reveal confidential and sensitive business information that its competitors could use to its disadvantage.

For the foregoing reasons, pursuant to Local Rule 105.11, Plaintiff Atlantic Guns respectfully requests that the Court approve the filing under seal of Mr. Schneider's Declaration and its Exhibits A and B attached thereto.

Respectfully submitted this 5th day of October, 2018.

/s/ John Parker Sweeney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2018, the foregoing was served, via electronic delivery to Defendants' counsel via CM/ECF system which will forward copies to Counsel of Record.

/s/ John Parker Sweeney

John Parker Sweeney (Bar No. 08761)